

**STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR,
CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF
THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS,
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
CONCERNING S. 2469, TO AMEND THE NATIONAL HISTORIC
PRESERVATION ACT TO PROVIDE APPROPRIATION AUTHORIZATION
AND IMPROVE THE OPERATIONS OF THE ADVISORY COUNCIL ON
HISTORIC PRESERVATION.**

JUNE 8, 2004

Mr. Chairman, thank you for the opportunity to provide the Department of the Interior's comments on S. 2469, the National Historic Preservation Act Amendments Act of 2004, a bill to provide appropriation authorization and to improve the operations of the Advisory Council on Historic Preservation. The Department supports S. 2469, with the understanding that certain provisions will be amended to incorporate changes proposed by the Department and the Advisory Council in this testimony. We applaud the Advisory Council's efforts to improve the effectiveness and efficiency of its operations as it assists our citizens in preserving this Nation's important historic places for future generations of Americans.

Almost 40 years ago, the National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation as a key actor in the Federal historic preservation partnership program. The Council is the Nation's principal advisor to Federal agencies as well as to State and tribal governments on many aspects of Federal historic preservation public policy. The Council is comprised of 20 members, representing Federal agencies, private citizens, and experts in the field of historic preservation. Its mission is to advocate full consideration of historic values in Federal decision-making; to oversee the Section 106 process that requires Federal agencies to consider the impact of their programs and projects on places of historic value; to review Federal programs and policies to further preservation efforts; to provide training, guidance, and information to the public and Federal entities; and to recommend administrative and legislative improvements for protecting the nation's heritage.

S. 2469 proposes amending the Council's statutory authorization in five key areas. The first provision would add additional membership to the sitting Council, permit a designee for the Governor member, and amend the existing quorum requirements. The Department supports these proposals as efforts to increase overall Council effectiveness and influence. The second provision seeks to improve the Council's financial and administrative services, a proposal also supported by the Department. The third area authorizes the Council to not only obtain or receive property, facilities and services from any Federal or non-Federal entity, but to also solicit these items, a provision supported by the Department. The fourth area of proposed change would strike the Council's appropriation authorization of \$4 million for each fiscal year 1997 through 2005, and to instead authorize such amounts as may be necessary to carry out this title, a provision that supports the President's 2005 Budget.

S. 2469 lastly proposes a new section (Section 216) to the National Historic Preservation Act by which the Council has increased authority to work with Federal grant-making agencies to improve the effectiveness of those programs in meeting the purposes and policies of the National Historic Preservation Act. The bill proposes this in two ways: 1) by authorizing the Council to administer cooperatively and jointly Federal agency grant or assistance programs; and, 2) to review and to make recommendations to the Federal agency, the President, and the Congress on ways to improve these programs or to increase annual funding levels.

Section 216 (a) as drafted would specifically confer on the Council the authority to modify grant selection criteria and the authority to administer jointly the grant or assistance program with the proviso it would not be inconsistent with the statutory authority of the grant program. By mandating dual agency administration, the Department is concerned that this section would create confusion and increase processing and oversight time for many programs that are running effectively now.

This section mirrors a provision in the House companion bill, H.R. 3223, introduced on October 1, 2003. Last year, the Department worked closely with the Council to draft amendments to Section 216(a) to address our concerns with the language of the bill. These amendments, which we support, are attached to our testimony and are included in the testimony of John L. Nau, III, Chairman of the Advisory Council. If the subcommittee was to amend S. 2469 to reflect these amendments, then the Department could fully support this bill. We would welcome the opportunity to work with the Advisory Council and the committee to amend S. 2469 to resolve our concerns regarding Section 216(a).

In addition, the Department is concerned that Section 216(b), which would grant the Council the authority to review Federal grant or assistance programs and make recommendations, would be duplicative of Sections 202(a)(6) and 202(b) of the National Historic Preservation Act and thus, is unnecessary.

The Advisory Council on Historic Preservation is an invaluable partner of the Department as we both carry out the national vision that created the national historic preservation program more than 30 years ago. Throughout that time, the Department and the Council have worked effectively and collegially together to enhance historic preservation efforts across the nation. The Department looks forward to continuing this relationship with the Council as we implement one of the most far-reaching and important Federal policies on historic preservation in the next quarter century.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or members of the committee may have.

Proposed amendment to S. 2469, National Historic Preservation Act Amendments

On page 4, strike line 3 through p. 5, line 16 and insert the following:

“(g) EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS IN MEETING THE PURPOSES AND POLICIES OF THE NATIONAL HISTORIC PRESERVATION ACT—Title II of the Act is amended by adding at the end the following new section:

“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND ASSISTANCE PROGRAMS.

“(a) COOPERATIVE AGREEMENTS—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program’s statutory authorization and purpose.

“(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS—The Council may—

“(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;

“(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and

“(3) make recommendations to the President and the Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.”.